

SN 10/030,377

Page 4

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 9, 2005. In the Office Action, the Examiner notes that claims 1-7 are pending and rejected. By this response, claims 1 – 2 and 5 – 7 are amended. Claims 3 – 4 are hereby cancelled and rewritten as new claims 8 and 9. No new matter has been entered.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are indefinite or anticipated under the respective provisions of 35 U.S.C. §112 and 102. Thus, Applicant believes that all of the pending claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS**35 U.S.C. §112****Claims 1-7**

The Examiner has rejected claims 1-7 under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has herein amended claims 1 – 2 and 5 – 9 to correct the antecedent basis and definiteness problems raised by the Examiner. Applicant has herein replaced claims 3 – 4 with new claims 8 – 9. Applicant has also herein amended claims 1 – 2 and 5 – 9 for readability.

Therefore, Applicant respectfully requests the rejection be withdrawn.

35 U.S.C. §102**Claims 1-6**

The Examiner has rejected claims 1-6 as being anticipated by Calvignac et al. (US 6,044,079, hereinafter "Calvignac"). Applicant respectfully traverses the rejection.

SN 10/030,377

Page 5

In general, Calvignac teaches an apparatus for managing discarding of packets at a switch in an ATM network. In particular, the apparatus includes a table capable of storing information for tracking and identifying each incoming frame and for indicating that the data cells of a particular frame are to be discarded. Specifically, the table includes addresses, where each table address stores a record for incoming data cells of a frame. The records indicate whether data cells of the frame are to be discarded.

Calvignac, however, fails to teach or suggest each and every element of Applicant's invention of at least claim 1. Specifically, Applicant's independent claim 1 positively recites:

1. A method for supporting virtual path/virtual channel (VP/VC) groups in asynchronous transfer mode (ATM) switching systems that implement ATM automatic protection switching (APS) in which traffic flows from a source on two paths and a destination selects traffic from only one of the paths at a time for further processing, the method comprising:

creating a groups table, the groups table having an entry for each of the two paths of every active VP/VC group, each active VP/VC group having an associated set of member circuits, each entry indicating whether the cells for that path of that VP/VC group should be forwarded or discarded, each entry referenced by means of a pointer field;

accessing a relevant entry in the groups table when a cell arrives on one of the two paths, the relevant entry associated with the one of the two paths, the relevant entry including a status value; and

discarding the cell if the status value is indicative of a discard status or forwarding the cell if the status value is indicative of a status other than the discard status.

(Emphasis added.)

As taught in Applicant's Invention of at least claim 1, Applicant's invention is directed towards ATM switching systems implementing ATM automatic protection switching (APS) in which traffic flows from a source on two paths and a destination selects traffic from only one of the paths at a time. A VP/VC group has an associated set of member circuits, and Applicant's invention uses a groups table, where the groups table has entry for each of the two paths of every active VP/VC group. For each VP/VC group, the destination selects traffic from one of the paths by accessing an entry of the groups table when a cell arrives on one of the two paths. The accessed entry is the entry associated with the one of the two paths on which the cell arrives.

By contrast, Calvignac teaches a table in which each table address stores a record for incoming cells of a frame, where the records indicate whether cells of the

SN 10/030,377
Page 6

frame are to be discarded. In other words, as taught in Calvignac, each entry of the table is associated with a frame. A table having entries associated with frames for deciding whether to discard cells associated with a particular frame, as taught in Calvignac, is simply not a table having entries associated with paths for deciding whether to discard cells associated with one or the other of two paths of an APS configuration, as taught in Applicant's invention of at least claim 1.

As such, the table taught in Calvignac is completely different from the groups table taught Applicant's invention of at least claim 1. Furthermore, the table taught in Calvignac is used in a completely different manner than, and for a different reason than, the groups table of Applicant's invention of at least claim 1. Calvignac is completely devoid of any teaching or suggest of multiple paths associated with ATM circuits, much less the specific automatic protection switching features of Applicant's invention. As such, Calvignac must be completely devoid of any teaching or suggestion of table entries associated with multiple paths of a VP/VC group, as taught in Applicant's invention of at least claim 1. As such, Calvignac fails to teach or suggest each and every element of Applicant's invention of at least claim 1.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Calvignac reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

As such, Applicant submits that independent claim 1 is not anticipated and fully satisfies the requirements of 35 U.S.C. §102 and is patentable thereunder. Furthermore, claims 2-6 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, Applicant submits that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

SN 10/030,377

Page 7

ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, ¶2, set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for indicating the allowable subject matter with respect to this claim; however, in view of the arguments set forth herein, Applicant believes that amended base claim 1 (and all intervening claims) is in allowable form and, as such, dependent claims 2-7, as they stand now, are therefore in allowable condition. Therefore, Applicant respectfully requests foregoing objections to claim 7 be withdrawn.

SN 10/030,377

Page 8

CONCLUSION

Thus, Applicant submits that none of the claims presently in the application are indefinite or anticipated under the respective provisions of 35 U.S.C. §112 and §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Michael Bentley at (732) 383-1434 or Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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